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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,245	07/31/2001	Frederik Ekkel	US018117	4043

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EXAMINER

AU, GARY

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,245	EKKEK, FREDERIK	
	Examiner	Art Unit	
	Gary Au	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date May 9, 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

1. Claims 1-7 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 8-14. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 6, 8-10, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,622,304 (Carhart).

As to claims 1 and 8, Carhart teaches a CE consumer apparatus (25, 22, 27, 26 – figures 2 and 5, col. 14 lines 20-54, col. 9, lines 9-28, col. 10, line 63 - col. 11 line 32) comprising a gateway (25) for use between a home network (23 - col. 8 lines 13-55) and an external data network (CATV cable system 10 - col. 7

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lines 21-46), wherein: the apparatus has an access point device (22, 27, col. 14 lines 20-54 and col. 8 lines 13-22) for the home network; the access point device has a first functionality that enables broadband wireless data communication to the home network (col. 8 lines 56-65); and the access point device has a second functionality that serves as a user-interface (Port 109 – figure 10, col. 14 lines 20-23).

As to claims 2 and 9, Carhart further teaches that the access point device is connected to the apparatus via a cable (coaxial cable 23 - col. 8 lines 13-55 Fig. 2, 5).

As to claims 3 and 10, Carhart further teaches that the access point device comprises an IR receiver (see infrared receiver in Fig. 10).

As to claims 5 and 12, Carhart further teaches that the access point comprises a camera (video camera 22 - col. 8 lines 13-22).

As to claims 6 and 13, Carhart further teaches that the access point comprises a microphone (Audio Microphone - col. 8 lines 13-22).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,622,304 (Carhart) as applied to claims 1 and 8 above, and further in view of US Patent No. 6,481,013 Dinwiddie et al. (Dinwiddie).

Considering claims 4 and 11, Carhart discloses a consumer apparatus as described above. Carhart does not teach that the access point device comprises a visual status indicator.

In an analogous art, Dinwiddie teaches an apparatus for distributing radio frequency to home appliances with a light emitting diode (LED 186 – figures 8 and 9 - col. 13 line 63 - col. 14 line 17). The light emitting diode indicates when the infrared signals are being detected.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Carhart's system to include a status

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indicator, as taught by Dinwiddie, for the advantage of indicating when infra-red signals are being detected in a consumer electronic apparatus.

6. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,622,304 (Carhart) as applied to claims 1 and 8 above, and further in view of US Patent No. 6,567,984 (Allport).

As to claims 7 and 14, Carhart does not teach that the access point comprises a FLASH memory card slot.

In an analogous art, Allport teaches a system that reads multiple data streams with a Flash memory ROM (340 – figure 4, col. 15 lines 37-47). The FLASH memory card stores downloaded information such as TV schedules, CD track data, and pre-loaded infrared command libraries.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Carhart's system to add a FLASH memory card slot, as taught by Shinjo, for the advantage of storing downloaded information.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US Patent No. 6,545,722 (Schultheiss et al.) teaches a set top box that provides interfaces with a television and a personal computer. US 2001/0000826 (Bellamy) teaches the integration of Internet services and telephony services with video display.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-4pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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